

EXHIBIT 58

MAO DECLARATION ISO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

DOCUMENT SOUGHT TO BE SEALED

Message

From: Jens Mueller [muellerj@google.com]
Sent: 6/10/2016 8:08:39 AM
To: Jonathan McPhie [jmcphie@google.com]
CC: Greg Fair [gregfair@google.com]; Adam Woś [adamwos@google.com]; David Warren [dwarren@google.com]; Eric Miraglia [miraglia@google.com]; Felipe Lora [felipel@google.com]; Mahalia Miller [mahalia@google.com]; Sara Walsh [sarawalsh@google.com]
Subject: Re: Effect of flipping SWAA

Thanks for the clarification.

I see that collecting new information is not that clear as I thought. I resolved my comment in the Dutch document.

Regarding things being stored on-device local storage and with an enabled setting now being sent to Google, I would still define this as Google receiving more information than previously...

On Thu, Jun 9, 2016 at 7:06 PM, Jonathan McPhie <jmcphie@google.com> wrote:
+1 to what Greg said. Our definition of "collect" is more like "stored" and can apply to things like local Chrome history storage or storage of activity against an pseudonymous identifier. From that perspective, SWAA (and CB2) is more about moving data around and not about "collecting" more data.

On Thu, Jun 9, 2016 at 9:59 AM, Greg Fair <gregfair@google.com> wrote:
I believe the semantic difference here is that there are different definitions of "collect"

Jens, you are saying that "collect" = "Associate directly with your GAIA and durably store in footprints"

The data sources pulled into sWAA, however are all "collected" one way or another already, whether it be via chrome sync or Ads cookies/profiles or on-device local storage.

I can't comment on how the Dutch translation handles this differentiation. I do think we all have a correct understanding of what is happening. It's more a parsing of the message that David and team are trying to convey where we seem to have a couple of different interpretations.

On Thu, Jun 9, 2016 at 9:03 AM Jens Mueller <muellerj@google.com> wrote:
Attorney-Client Privileged & Confidential

Hi,

this is to double check a fundamental misunderstanding either I or others might have about CB2 and SWAA.

When a user accepts CB2, we're enabling SWAA.

I claim enabling SWAA means we collect more data - Chrome history data for example - (and that is independent of NAC or any N2 related change which I know has an effect on SWAA I don't refer to here).

Is this correct?

I am confused by David's comment here:

<https://docs.google.com/document/d/1kSADPtqVRSrCTn4ELnGAajA-wUwXXs2-A6EyhVulcZ8/edit?disco=AAAAAuKqAg8>

He is saying:

We are not collecting new types of data. We just had that conversation (again) on page 3.

And, it's our position in Consent Bump, that we're not collecting new data for any particular user. Before Consent Bump, some of the data for a user was collected within their Google Account and some of it was collected outside of their Google Account.

In English, we're intentionally vague because the technical details are complex and it could sound alarming to users (for something that we feel shouldn't sound alarming). So, in English, it used to say simply "More information will be visible in your Google Account..." which stood up to Legal review for a long time. That phrase is vague about where the data that wasn't visible was.

I disagree especially with the bolded section.

The English text is vague enough to not make this distinction clear. The Dutch translation however is giving a different story.

Thanks,
Jens

--

Jens Mueller | Software Engineer | muellerj@google.com